S.B. CIVIL WRIT PETITION NO.507/2006
(Kanu & Ors. vs. State of Raj. & Ors.)

Date :: 08.02.2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr.C.S. Kotwani, for the petitioners.

The petitioners preferred a revenue suit before the respondent No.3, i.e. Sub Divisional Officer, Banswara for restraining the defendants from making any kind of encroachment over the land belonging to the plaintiffs. The suit was registered and notices were issued. The trial court also issued notices on an application under Section 212 of the Rajasthan Land Revenue Act preferred by the plaintiffs-petitioners. The notices so issued by the trial court have yet not been served upon the respondents.

By this petition for writ, direction is sought by the petitioners to direct the competent revenue court to pass an exparte interim injunction pending the suit.

I am of the considered opinion that the writ petition is absolutely misconceived as the suit

and the application under Section 212 of the Rajasthan Land Revenue Act are pending before the competent court and notices issued to the defendants, are yet not been served. The petitioners should take necessary efforts to get the notices served and to get necessary order, if entitled, by the trial court on the application concern. Till pendency of the application before the trial court no cause arose to file the instant petition for writ, the same, therefore, is premature.

Accordingly, the writ petition is dismissed.

[GOVIND MATHUR],J.

Ashwini/-